

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 19-CR-00077-JB

MICHAEL NISSEN,

Defendant.

MOTION TO WITHDRAW AS COUNSEL

COMES NOW Susan M. Porter, Attorney for Defendant, and respectfully requests the Court for an Order allowing Susan M. Porter to withdraw as counsel for the Defendant, Michael Nissen. As grounds therefore, she states:

On September 17, 2019, attorney Susan Porter was appointed as counsel for Defendant Michael Nissen after trial counsel Ken Gleria withdrew from further representation of Mr. Nissen. In preparation for representing Mr. Nissen at sentencing, Ms. Porter reviewed the pretrial pleadings, trial transcript and discovery from the case. In addition, on three occasions, Ms. Porter traveled to Cibola County Correctional Center, where Mr. Nissen is being housed, in order to meet with Mr. Nissen and obtain information that could be used for sentencing. On the first two visits, Mr. Nissen did not wish to share with counsel any information that could be used for his benefit at sentencing. Mr. Nissen also did not want Ms. Porter to review the presentence report with him. In short, both visits were totally unproductive. On the third attempt to meet

with Mr. Nissen (January 7, 2020), corrections officer Caldwell informed Ms. Porter that Mr. Nissen refused to meet with her.

Mr. Nissen has also filed one or more pro se motions without consulting with Ms. Porter before doing so.

As the above information reflects, no attorney-client relationship between Mr. Nissen and Ms. Porter has been established. As a result, counsel cannot effectively represent Defendant Nissen. To require attorney Susan M. Porter to stay in the case despite the above-stated reasons would be contrary to Mr. Nissen receiving effective assistance of counsel.

Assistant United States Attorney Paul Mysliwiec takes no position on this motion.

WHEREFORE, the undersigned respectfully requests this Court to allow her to withdraw as counsel for the Defendant in this matter.

Respectfully submitted,

/s/ Susan M. Porter
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Attorney for Michael Nissen

I hereby certify that on January 8, 2020 the foregoing Defendant's Motion to Withdraw as Counsel was filed electronically through the CM/ECF system, which caused said motion to be electronically distributed to all persons entitled to service.

/s/ Susan M. Porter
Susan M. Porter